

REMARKS

Claims 1-14, 33, 40, 41, 50, and 51 are pending in the present application. In the Office Action dated May 4, 2005, the Examiner rejected claim 14 under 35 U.S.C. 112, first and second paragraphs, as lacking written description support and being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 14 was also rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,399,234 to Yu et al. ("the Yu patent"). The examiner has also rejected claims 1-14, 33, and 40-41 as being based upon a defective reissue oath/declaration under 35 U.S.C. 251.

The Applicant addressed the rejections under 35 U.S.C. 112, first and second paragraphs and 35 U.S.C. 102(b) in the response filed August 3, 2005.

This supplemental amendment adds two dependent claims to further differentiate the invention of claim 14. New claim 50 depends from claim 14 and requires that "the emission spectrum is characteristic of a temperature of the byproducts." New claim 51 depends from claim 14 and requires in addition to "the emission spectrum is characteristic of a temperature of the byproducts" that the emission spectrum is analyzed by sensing the temperature with an optical temperature sensor. Support for these claims is based on the same portions of the Applicant's specification discussed in the previous response filed August 3, 2005 that addressed the Examiner's written description rejections under 35 U.S.C. § 112, first paragraph.

The examiner has also rejected claims 1-14, 33, and 40-41 as being based upon a defective reissue oath/declaration under 35 U.S.C. 251. Applicant previously submitted a supplemental reissue declaration in an amendment filed August 13, 2003. The supplemental reissue declaration included the language required by the Examiner stating "[e]very error in the patent which was corrected in the present reissue application, and is not covered by the prior declaration submitted in this application, arose without any deceptive intention on the part of the applicant." A copy of the supplemental reissue declaration is enclosed herewith.

All of the claims remaining in the application (claims 1-14, 33, 40-41, 50, and 51) are now clearly allowable. Favorable consideration and a timely Notice of Allowance are earnestly solicited.

Respectfully submitted,

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Enclosures:

Postcard
Fee Transmittal Sheet (+ copy)
Copy of Supplemental Reissue Declaration

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